



General Assembly

February Session, 2006

**Substitute Bill No. 5740**

\* HB05740LAB\_\_032106\_\_ \*

**AN ACT CONCERNING ERGONOMICS AND WORKPLACE SAFETY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-40v of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) In order to promote health and safety in places of employment in  
4 this state, each employer of twenty-five or more employees in this  
5 state, including the state and any political subdivision of the state, and  
6 each employer whose rate of work related injury and illness exceeds  
7 the average incidence rate of all industries in this state, shall  
8 administer a safety and health committee in accordance with  
9 regulations adopted pursuant to subsection (b) of this section. For  
10 purposes of this subsection, "incidence rate" means the number of  
11 federal Occupational Safety and Health Administration recordable  
12 injuries and illnesses per one hundred full-time employees.

13 (b) The chairman of the Workers' Compensation Commission, in  
14 consultation with the Labor Commissioner and in accordance with the  
15 provisions of chapter 54, shall adopt regulations to carry out the  
16 provisions of this section. The regulations shall (1) prescribe the  
17 membership of safety and health committees to ensure representation  
18 of employees and employers; (2) specify the frequency of committee  
19 meetings; (3) require employers to make, file and maintain adequate

20 written records of each committee meeting subject to inspection by the  
21 chairman or [his] an authorized designee; (4) require employers to  
22 compensate employee representatives at their regular hourly wage  
23 while the employee representatives are engaged in safety and health  
24 committee training or are attending committee meetings; (5) prescribe  
25 the duties and functions of safety and health committees, which shall  
26 include (A) establishing procedures for workplace safety inspections  
27 by the committee, (B) establishing procedures for investigating all  
28 safety incidents, accidents, illnesses and deaths, (C) evaluating  
29 accident and illness prevention programs, (D) establishing training  
30 programs for the identification and reduction of hazards in the  
31 workplace which damage the reproductive systems of employees, and  
32 (E) establishing training programs to assist committee members in  
33 understanding and identifying the effects of employee substance abuse  
34 on workplace accidents and safety; and (6) prescribe guidelines for the  
35 training of safety and health committee members.

36 (c) Notwithstanding the provisions of this section, each employer  
37 who, on July 1, 1993, has an existing health and safety program or  
38 other program determined by the chairman of the Workers'  
39 Compensation Commission to be effective in the promotion of health  
40 and safety in the workplace, shall not be required to comply with  
41 subsections (a) and (b) of this section. The chairman of the Workers'  
42 Compensation Commission, in consultation with the Labor  
43 Commissioner, shall adopt regulations, in accordance with the  
44 provisions of chapter 54, establishing the criteria for evaluating such  
45 programs.

46 (d) Any employer with more than one hundred employees in the  
47 state shall:

48 (1) Review and analyze its injury and illness records, including, but  
49 not limited to, records of injuries to employees required under section  
50 31-316 and 29 USC 657, first aid logs and records of employee  
51 complaints or grievances, to determine whether there is a pattern of  
52 ergonomic-related injuries or illnesses in certain jobs or work tasks,

53 provided no such review or analysis shall involve the disclosure of  
 54 individually identifiable health information about any employee or  
 55 any other information in violation of the federal Health Insurance  
 56 Portability and Accountability Act, as amended from time to time, or  
 57 of the provisions of 45 CFR Parts 160 and 164, as amended from time  
 58 to time;

59 (2) Review and analyze jobs or work tasks to identify potential  
 60 ergonomic problems and to determine if certain jobs or work tasks  
 61 present ergonomic risks that may contribute to musculoskeletal  
 62 disorders;

63 (3) Seek employee input about the existence of ergonomic problems  
 64 related to particular jobs or work tasks by reviewing employee  
 65 complaints about work-related musculoskeletal disorders,  
 66 interviewing employees, conducting symptom surveys or distributing  
 67 employee questionnaires; and

68 (4) Develop a written ergonomics policy setting forth (A)  
 69 procedures for the employer and its employees to jointly evaluate the  
 70 extent and causes of any work-related ergonomic problems and to  
 71 make improvements in job design or other causative factors in order to  
 72 prevent or minimize such problems, (B) procedures for providing  
 73 ergonomics training to the employer and its employees in order to  
 74 prevent or minimize musculoskeletal disorders, and (C) incentives for  
 75 employees to report early symptoms of musculoskeletal disorders in  
 76 order to prevent or minimize incapacity or disability through early  
 77 conservative medical treatment and ergonomic interventions.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2006	31-40v
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**LAB**      *Joint Favorable Subst.*